



# Democratic Republic of Timor-Leste

## COUNTRY REPORT

Timor-Leste became the world's  
First Independent State of the 21st Century  
On  
20th May 2002.

# Democratic Republic of Timor-Leste

- Population is 924,642 (Census 2004)
- 60% of our population are children under 18. (Census 2004)
- % Annual population growth rate 4.9
- Fertility Rate 7.6 children per woman
- Maternal Mortality rate 800 per 100,000
- Infant mortality rate is estimated at 88 per 1,000 live births.
- Under 5 mortality rate is estimated at 125 per 1,000 live births



# Democratic Republic of Timor-Leste

- A Centralised government structure
- 13 District Administration Offices and District Administrators
- 63 Sub Districts,
- and 435 Sucos (village)
- 90% of the population live in rural and remote areas.



# Democratic Republic of Timor-Leste

- The Constitution Of Timor-Leste entered into force on 20th May 2002 and is considered as the highest law of the country.
- Section 18 of the Constitution on child protection states that:
  - Children shall be entitled to special protection by the family, the community and the State, particularly against all forms of abandonment, discrimination, violence, oppression, sexual abuse and exploitation.
  - Children shall enjoy all rights that are universally recognised, as well as, all those that are enshrined in international conventions normally ratified or approved by the State
  - Every child born in or outside wedlock shall enjoy the same rights and social protection.



# Democratic Republic of Timor-Leste

The applicable laws on protection of children in Timor-Leste, listed in the order of their hierarchy, are:

The Constitution of Timor-Leste;

UN Convention on the Rights of the Child and other International Laws on Human Rights and Juvenile Justice;

Répubblica Democrática de Timor-Leste (RDTL) Laws relating to children (currently in the development process);

UNTAET Regulation 2000/30, rev. 2001/25, Rules of Criminal Procedures (insofar as it has not been replaced or superseded by RDTL Laws); and

Indonesian Laws prior to October 1999 insofar as the provisions are not covered by UNTAET Rules of Criminal Procedures and are not inconsistent with international laws.



# ALTERNATE CARE of Separated Children

- The Governments of Timor-Leste and Indonesia agreed to the resettlement and a return plan proposed by UNHCR of persons displaced in 1999.
- Amongst these displaced people were 4346 separated children.
- At the time of handover of the UNHCR Separated Children program in December 2004 there were 99 cases of Separated Children unresolved, and durable permanent solutions are needed for a further 1156 cases.
- A MOU on Separated Children was signed by Timor-Leste and Indonesia in December 2004. This program is ongoing.



# Adoption

- Adoption of children in Timor-Leste occurs through traditional cultural practices, with very few adoptions being referred through the formal legal process.
- The term “adopted” is also used to describe children who live with people other than their parents.
- Draft Adoption Regulations have recently been completed.



# **Institutional Care of Children Policy and Procedures BACKGROUND**

Institutions have historically been the only social welfare net for children after the extended family;

The use of Institutions is directly related to:

- The poor quality of and access to education
- Attitudes, practices & beliefs about children & families who live in impoverished circumstances;
- Beliefs that moral education and discipline of children are better offered in Institutional Care.
- The need for older children from rural areas to attend secondary school.





# Institutional Care of Children Policy and Procedures BACKGROUND

- Research 2001 “Assessment of the Situation of Separated Children and Orphans in East Timor”, UNICEF, Timor-Leste and IRC.
- Consultations/field trips/workshops held during 2002;
- Drafting of Policy & Procedures 2002/2003;
- Government approval ‘in principle’, awaiting formal adoption.
- 2005 Socialisation of Policy throughout the Country
- 2005 Policy being written into a Decree Law



## Some Current Concerns

- Occasional donor reports of assistance being misused,
- Organisations soliciting families for names of children for possible placement in institutions which are to be constructed in the future.
- Anecdotal reports and evidence of some institutions inflating records to increase external support.
- Substandard conditions in many institutions – physical, nutritional, hygiene, etc
- Apparent growth in numbers of institutions: from an estimated 34 to 46 in the 3 years 2000-2003 (up 34%)
- Apparent growth in numbers of children: from an estimated 1250 to 2500 in the 3 years 2000-2003 (up 100%)
- Too many reports of parents capable of caring for their children surrendering them to the care of institutions.
- There is no current regulation or system to monitor placement or the circumstances of children who are placed in institutions, thus leaving children open to trafficking, exploitation and abuse.

# Contents of Policy and Procedures

- Definitions
- Policy (Principles)
- Regulations
- Registration Procedures
- Standards
- Placement Procedures
- Case Management Procedures
- Monitoring Procedures
- Summary of Procedures
- Documentation (Placement, Registration and Licensing forms)

# Definitions

**CHILD CARE CENTRE** An institution that provides accommodation and care for children who have one or more of the following backgrounds:

- Orphans
- Single Parent (father and/or mother) from poor family
- Separated children
- Neglected children
- Children who suffer from domestic violence or child abuse
- Children from homes where parents are unable to care for them due to ill health or poverty.



# Definitions

**BOARDING HOUSE** An institution that provides accommodation with a primary objective of imparting an integral education:

- Open for children 13 years and above, with the objective of achieving an education, enabling a good future for themselves, including a balanced intellectual, social and spiritual development
- For children of Primary, Junior High and Senior High Schools, and University students.



# Assessment and Placement

An assessment must be conducted for every child admitted to residential care, and the child's details entered onto a Register.

For Child Care Centres, placement will depend upon whether the assessment results in a recommendation for placement

Appropriate records for all children are to be maintained by the institution



# Minimum Standards

## Care Provisions

- home visits/family contact
- medical/dental services (including on-site first aid)
- education services
- clothing, nutrition, supervision & safety
- work requirements of child/age

## Staffing

- numbers, roles, experience, attitudes, etc



# Minimum Standards

## Physical Standards

- standard of buildings
- provisions of beds, storage, study area, bathroom/toilet facilities, etc
- kitchen/dining facilities, hygiene of food storage/preparation areas, etc
- play/recreation areas (inside/outside)





# Licensing Requirements for Institutions

## 1. Institutions must have:

- a statement of objectives of the organisation
- a clearly defined purpose and target group of children they care for
- documented the programs they will/do provide (education, health, recreational, reintegration)
- evidence of ownership of the land/property
- a demonstrated ongoing financial capacity to operate.
- And met the requirements of the physical and care STANDARDS

